



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

MEH:ddj
Docket No: 3110-00
21 November 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 18 October 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
18 Oct 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 31 Mar 00
(b) NAVADMIN 122/95
(c) MILPERSMAN 1160-120
(d) OPNAVINST 1160.6A

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval to the petitioner's request.

a. The petitioner's ADSD is 4 January 1986.

b. The petitioner passed through zone "B" SRB eligibility on 3 January 2000. The Petitioner's EAOS at the time was 24 November 1996. Reference (b) listed a zone "B" SRB entitlement for the FC(0000) rate at the time the petitioner passed through the zone "B" window.

c. Reference (c) provides an early SRB window during the month of passing through zone, and, on or before the date of passing through zone. Additionally, per reference (c), the zone "B" window is six to 10 years of active service.

d. The petitioner requests to effect a four year reenlistment prior to passing through the zone "B" window. However, the petitioner was only at the E-4 paygrade at the time he passed through the zone "B" window. Per reference (c), High Year Tenure (HYT) for the Petty Officer third class is ten years active service.

e. The petitioner received a HYT waiver in December 1995 to obliserve 24 months beyond his HYT tenure date of 4 January 1996.

f. The petitioner was later advanced in June 1996 to Petty Officer second class via the March 1996 advancement exam. The petitioner was advised that he could have reenlisted in January 1996 for two years and then submit a 24 month extension after the results of the advancement exam followed by a request for the zone "B" SRB entitlement retroactively.

Subj: BCNR PETITION ICO FC [REDACTED] 70-3470

g. Per reference (d), extensions may not be combined with a reenlistment to establish or extend SRB eligibility. Additionally, the petitioner cannot backdate a reenlistment to 3 January 1996 because the petitioner did not meet the HYT criteria at the time of passing through the zone "B" window. No error or injustice was committed.

2. In view of the above, recommend the petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

[REDACTED]
CDR/ USNR
Head,
Reenlistment Incentives Branch